## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:19-cv-00462-FDW

MICHAEL L. WATERS,	)
Plaintiff,	)
VS.	) ) ) <u>ORDER</u>
JOHN DOE, et al.,	) )
Defendants.	) )

**THIS MATTER** is before the Court on its own motion on review of the docket in this matter.

On September 18, 2019, Pro Se Plaintiff Michael L. Waters ("Plaintiff") filed a Complaint with this Court pursuant to 42 U.S.C. § 1983 based on deliberate indifference to Plaintiff's serious medical needs in violation of the Eighth Amendment. [Doc. 1]. Plaintiff is a prisoner of the State of North Carolina incarcerated at Piedmont Correctional Institution in Salisbury, North Carolina. Plaintiff names John Doe, identified as a Lieutenant at the N.C. Department of Public Safety (NCDPS), and Jane Doe, identified as a Corrections Officer at NCDPS, as Defendants in this matter.

Plaintiff filed his Complaint without paying the \$400.00 filing fee and without filing an application to proceed without prepayment of fees. On September 18, 2019, the Clerk of Court sent Plaintiff a deficiency notice advising Plaintiff that he must file an application to proceed without prepayment of fees or pay the filing fee within 21 days. [Doc. 2]. The Clerk enclosed a copy of the application and advised the Plaintiff that his failure to comply may result in the

dismissal of this action without prejudice for failure to prosecute. [Id.].

At this time, Plaintiff has failed to file the application to proceed without prepayment of fees or pay the filing fee. As such, the Court will dismiss Plaintiff's Complaint without prejudice to refile a complaint, including the filing fee or the above-cited application, if he so chooses.

## IT IS, THEREFORE, ORDERED that:

- 1. Plaintiff's Complaint [Doc. 1] is dismissed without prejudice for failure to prosecute.
- 2. The Clerk is instructed to terminate this action.

Signed: February 3, 2020

Frank D. Whitney

Chief United States District Judge